

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RYAN STROUP,)	CASE NO. 1:24-CV-01073
)	
Petitioner,)	JUDGE BRIDGET MEEHAN BRENNAN
)	
v.)	
)	
WARDEN CINDY DAVIS,)	<u>OPINION AND ORDER</u>
)	
Respondent.)	

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Jennifer Dowdell Armstrong recommending that *pro se* Petitioner Ryan Stroup’s (“Petitioner” or “Stroup”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Doc. 8.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (flush language). The failure to file written objections to a magistrate judge’s report and recommendation constitutes a waiver of a *de novo* determination by the district court of any issue addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813, 815 (6th Cir. 1984), *aff’d* 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

On June 25, 2024, Stroup filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1.) Stroup is not represented by counsel. On September 26, 2024, Respondent Warden Cindy Davis filed a return of writ. (Doc. 6.) On December 4, 2024, Magistrate Judge


Armstrong noted Stroup had not filed a traverse to the return of writ. (December 4, 2024 Order.) Magistrate Judge Armstrong set a final deadline to file a traverse by December 23, 2024, and cautioned “[i]f a traverse is not filed on or before this date, the Court will proceed to consider the petition.” (*Id.*) Stroup did not file a traverse by this deadline.

On March 20, 2025, Magistrate Judge Armstrong issued the R&R recommending Stroup’s writ of habeas corpus be denied. (Doc. 8.) The R&R noted the 14-day deadline for filing objections and notified Stroup that a “failure to file timely objections within the fourteen (14) day period shall constitute a waiver of subsequent review, absent a showing of good cause for such failure.” (*Id.* at PageID #168-69.)

To date, Stroup has not filed any objections to the R&R, and the deadline for doing so has passed. The Court has reviewed the R&R and agrees with its analysis and recommendations. The Court ACCEPTS and ADOPTS the R&R. Grounds One, Two and Three are DENIED because petitioners cannot get relief from alleged state sentencing law errors in federal habeas proceedings. Ground Four, which alleges ineffective assistance of trial counsel, is DENIED on the merits. The Court hereby certifies that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Date: May 28, 2025



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE